

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

**NOTICE OF MOTION FOR
JUDGMENT ON THE PLEADINGS**

Case No. 25-cv-06226

THE CITY OF ROCHESTER; MALIK D.
EVANS, Mayor of Rochester, in his Official
Capacity; ROCHESTER CITY COUNCIL;
MIGUEL A. MELENDEZ, JR., President of the
Rochester City Council, in his Official Capacity,

Defendants.

Defendants City of Rochester, Mayor Malik D. Evans, Rochester City Council, and Rochester City Council President Miguel A. Melendez, Jr. (“City Defendants”) submit this motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). For the reasons set forth in the accompanying Memorandum of Law in Support, City Defendants are entitled to entry of a judgment dismissing all of Plaintiff’s claims against them, as a matter of law. The Court is referred to the supporting Memorandum of Law submitted herewith and made part of this motion. City Defendants reserve the right to file a reply memorandum of law within fourteen days of Plaintiff’s filing any opposition to this motion. This motion shall be returnable the ____ day of _____, 2025. Oral argument is hereby requested.

Dated: June 4, 2025
Rochester, New York

PATRICK BEATH
Corporation Counsel

By: s/ James “Hal” Kieburtz
James “Hal” Kieburtz, Esq., Of Counsel
Attorneys for City Defendants
30 Church Street, Room 400A
Rochester, NY 14614
Tel.: (585) 428-6758

To: Attorneys of Record, via ECF